

MAYOR & COUNCIL AGENDA COVER SHEET

MEETING DATE:

November 17, 2003

CALL TO PODIUM:

Mark Depoe
Long Range Planning Director

RESPONSIBLE STAFF:

Mark Depoe
Long Range Planning Director
Fred Felton
Assistant City Manager

AGENDA ITEM:

(please check one)

<input type="checkbox"/>	Presentation
<input type="checkbox"/>	Proclamation/Certificate
<input type="checkbox"/>	Appointment
<input type="checkbox"/>	Public Hearing
<input type="checkbox"/>	Historic District
<input type="checkbox"/>	Consent Item
<input type="checkbox"/>	Ordinance
<input type="checkbox"/>	Resolution
<input type="checkbox"/>	Policy Discussion
<input type="checkbox"/>	Work Session Discussion Item
<input type="checkbox"/>	Other:

PUBLIC HEARING HISTORY:

(Please complete this section if agenda item is a public hearing)

Introduced	
Advertised	10/29/2003
	11/5/2003
Hearing Date	11/17/2003
Record Held Open	
Policy Discussion	

TITLE:

T-361 -- An Ordinance To Amend Chapter 24 Of The City Code (City Zoning Ordinance), Article I, Entitled, "In General," So As To Create New §24-10A Entitled, "Floating Zones," To Designate Certain Zoning Districts As Floating Zones And To Establish Requirements For The Approval Of Floating Zones.

SUPPORTING BACKGROUND:

Attached are the exhibits for the proposed text amendment related to the MXD, CBD and the CD zones of the City.

This "housekeeping" text amendment merely identifies and clarifies that the above zones are Floating zones as opposed to Euclidean zones.

Attached: Index of Exhibits and Exhibits

DESIRED OUTCOME:

Planning Commission hold the record open 11 Days (Nov. 28, 2003)

Mayor and City Council hold record open for 21 days (Dec. 8, 2003)

INDEX OF MEMORANDA

T-361

1. Application
2. Proposed Ordinance
3. Letter requesting advertisement of the 11-17-03 Joint Public Hearing in the 10-29-03 and 11-05-03 issues of the *Gaithersburg Gazette*.
Attached: Facsimile Transmittal Confirmation
4. Notice of 11-17-03 Joint Public Hearing as sent on 10-31-03
5. List of people/agencies notified of the hearing

TEXT AMENDMENT TO THE ZONING ORDINANCE

In accordance with Article VIII,
Section 24-194, 195, 197, and 198 of the City Code

Application Number	<u>T-361</u>
Filing Date	<u>10-28-03</u>
P.C. Hearing	_____
M&C Hearing	<u>JT 11-17-03</u>
Decision	_____
Decision Date	_____

Application is hereby made to the

- ☐ City Planning Commission, or
☒ Mayor and City Council

for a change in the text of the Zoning Ordinance of the City of Gaithersburg, Maryland.

This change involves Article I, Section § 24-10A
to be amended per the attached ordinance.

Applicant/Staff Person Jennifer Russel Date 10-28-03

Address 31 South Summit Avenue, Gaithersburg MD 20877

ORDINANCE No. _____

AN ORDINANCE TO AMEND CHAPTER 24 OF THE CITY CODE
(CITY ZONING ORDINANCE), ARTICLE I, ENTITLED, "IN GENERAL,"
SO AS TO CREATE NEW §24-10A ENTITLED, "FLOATING
ZONES," TO DESIGNATE CERTAIN ZONING DISTRICTS AS
FLOATING ZONES AND TO ESTABLISH REQUIREMENTS
FOR THE APPROVAL OF FLOATING ZONES.

Text Amendment T-361

BE IT ORDAINED, by the Mayor and City Council of the City of Gaithersburg, Maryland, in public meeting assembled that Chapter 24 of the City Code (Code Zoning Ordinance), Article I is hereby amended to create new §24-10A to read as follows:

ARTICLE I. IN GENERAL

Sec. 24-10A. Floating Zones.

(1) The following zoning districts are hereby designated and established as floating zones in the City of Gaithersburg:

Division 19. MXD Zone, Mixed Use Development
Division 21. CBD Zone, Central Business District
Division 22. CD Zone, Corridor Development

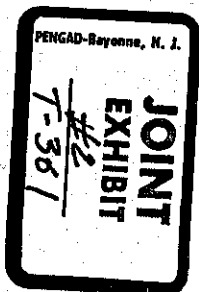
(2) The approval and placement of floating zones may only occur upon a finding by the City Council that the application therefore:

(a) Complies with the purposes and intent of the zone as stated in the zoning ordinance; and

(b) As applied will be compatible and harmonious with existing and planned land uses in the surrounding area.

(3) All properties previously zoned in the MXD Zone, CBD Zone, and CD Zone prior to the effective date of this ordinance shall have been conclusively presumed to have satisfied the standards set forth in §24-10A(2) for approval of floating zones.

(4) Floating zones may be affixed to property by local map amendment or by comprehensive zoning. In the case of comprehensive zoning, such zones may be affixed to property only where the location and placement of such zoning district has been recommended in a duly adopted master plan for the area in which the property is located. In addition, in the case of comprehensive zoning, such zones and their location and placement where recommended in a duly adopted master plan shall be conclusively presumed to have satisfied the standards set forth in §24-10A(2).



(5) Notwithstanding the provisions of §24-10A(3) and (4) above, any schematic development plan, concept plan (CD Zone) or site development plan shall only be approved upon satisfaction of the respective finding required for approval of such plans with or without conditions.

ADOPTED this ____ day of _____, 2003.

DELIVERED to the Mayor of the City of Gaithersburg, Maryland, this ____ day of _____, 2003. APPROVED/DISAPPROVED by the Mayor of the City of Gaithersburg, Maryland, this ____ day of _____, 2003.

SIDNEY A. KATZ, Mayor

THIS IS TO CERTIFY that the foregoing Ordinance was adopted by the City Council of Gaithersburg, in public meeting assembled, on the ____ day of _____, 2003, and the same was approved by the Mayor of the City of Gaithersburg on the ____ day of _____, 2003. This Ordinance will become effective on the ____ day of _____, 2003.

DAVID B. HUMPTON, City Manager

S\PLANCODE\TEXT AMENDMENTS\T-361 FLOATING ZONES\DRAFT I



October 28, 2003

Karey Major, Law Section
The Gaithersburg Gazette
P.O. Caller 6006
Gaithersburg, Maryland 20884

Dear Karey:

Please publish the following legal advertisement in the **October 29 and November 5, 2003**, issues of the *Gaithersburg Gazette*.

Sincerely,

Jennifer Russel, Director
Planning and Code Administration

ASSIGN CODE: T-361 Acct# 133649

NOTICE OF PUBLIC HEARING

The Mayor and Council and Planning Commission of the City of Gaithersburg will conduct a joint public hearing on T-361, filed by Jennifer Russel for the Mayor and City Council, on

**MONDAY
NOVEMBER 17, 2003
AT 7:30 P.M.**

or as soon thereafter as this matter can be heard in the Council Chambers at 31 South Summit Avenue, Gaithersburg, Maryland.

The application requests amendment of Chapter 24 of the City Code (City Zoning Ordinance), Article I, entitled, "In General," so as to create new §24-10A, entitled, "Floating Zones," to designate certain zoning districts as floating zones and to establish requirements for the approval of floating zones.

Further information may be obtained from the Planning and Code Administration Department at City Hall, 31 South Summit Avenue, between the hours of 8 a.m. and 5 p.m., Monday through Friday.

Jennifer Russel, Director
Planning and Code Administration
mg

City of Gaithersburg • 31 South Summit Avenue, Gaithersburg, Maryland 20877-2098
301-258-6300 • FAX 301-948-6149 • TTY 301-258-6430 • cityhall@ci.gaithersburg.md.us • www.ci.gaithersburg.md.us

MAYOR
Sidney A. Katz

COUNCIL MEMBERS
Stanley J. Alster
Geraldine E. Edens
Henry F. Marraffa, Jr.
John B. Schlichting
Ann T. Somersel

CITY MANAGER
David B. Humpton





CITY OF GAITHERSBURG
31 South Summit Avenue
Gaithersburg, Maryland 20877
Telephone: 301-258-6330

NOTICE OF JOINT PUBLIC HEARING

The City of Gaithersburg Mayor and Council and Planning Commission will conduct a public hearing at the time and place noted below.

Meeting: MAYOR AND CITY COUNCIL
Application Type: TEXT AMENDMENT
File Number: T-361
Applicant: JENNIFER RUSSEL FOR MAYOR & CITY COUNCIL
Day/Date/Time: MONDAY, NOVEMBER 17, 2003, AT 7:30 P.M.
Place: COUNCIL CHAMBERS, GAITHERSBURG CITY HALL
31 SOUTH SUMMIT AVENUE

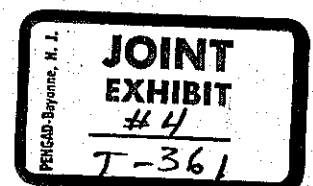
*****IMPORTANT*****

This is a proposal to amend Chapter 24 of the City Code (City Zoning Ordinance), Article I, entitled, "In General," so as to create new §24-10A entitled, "Floating Zones," to designate certain zoning districts as floating zones and to establish requirements for the approval of floating zones. (A copy of the draft ordinance can be viewed at www.ci.gaithersburg.md.us/notices.) This is the first public hearing in a series of public opportunities to participate. Contact the Planning and Code Administration City Planner (listed below) at (301) 258-6330 if you should have any questions and/or to learn more about this process and your ability to offer testimony and input.

Joint Mayor and City Council & Planning Commission meetings can be viewed live on Gaithersburg Cable Television Channel 13, and at anytime (on demand) two weeks after the public hearing via the Internet and Web TV at <http://www.ci.gaithersburg.md.us>.

CITY OF GAITHERSBURG

By: Jennifer Russel
JENNIFER RUSSEL, Director
Planning and Code Administration



NOTICES SENT THIS 31ST DAY OF OCTOBER, 2003, TO:

APPLICANT AND INTERESTED PARTIES

(A list of interested parties and agencies is available in the file in the Planning and Code Administration.)

MAYOR AND COUNCIL

PLANNING COMMISSION

CITY STAFF

David B. Humpton, City Manager
Frederick J. Felton, Assistant City Manager
Tony Tomasello, Assistant City Manager
Stanley D. Abrams, City Attorney
Mary Beth Smith, Public Information Director
Doris Stokes, Administrative Assistant
Jeff Baldwin, City Web Administrator (via email)